

DEVIN DERHAM-BURK #104353  
CHAPTER 13 STANDING TRUSTEE  
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:

MUZYEN M ABDULKADIR

Debtor(s)

)  
)  
) Chapter 13  
) Case No. 19-51216 MEH

)  
) TRUSTEE'S OBJECTION TO  
) CONFIRMATION WITH CERTIFICATE OF  
) SERVICE

)  
) 341 Meeting Date: JULY 29, 2019 @ 9:30 AM  
) Initial Confirmation Hearing Date: AUGUST 16,  
) 2019  
) Initial Confirmation Hearing Time: 11:00 AM  
) Place: 280 S 1<sup>st</sup> Street #11 (#3020)  
) San Jose, CA 95113  
) Judge: M. Elaine Hammond

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this Plan for the following reasons:

- Paragraph two of Additional Provisions Section 7.01 (For Sections 2.1 / 2.2 and 3.7 of the Plan) (sic) states in part: "The Debtor's plan is a "conduit" plan with regard to the mortgage / lienholder (CAM XVI Trust) for the ongoing regular mortgage payments. Accordingly, the Chapter 13 Trustee shall make payments on these Class 3 claims until the sale of Property is complete." Debtor lists Cam XVI Trust/265 Beegum Way, San Jose, CA 95123 under Section 3.07 of the Plan as a Class 1 creditor. Trustee requests Debtor amend the language in Paragraph two of Additional Provisions to state: "The

Debtor's plan is a "conduit" plan with regard to the mortgage / lienholder (CAM XVI Trust) for the ongoing regular mortgage payments. Accordingly, the Chapter 13 Trustee shall make payments on these Class 1 claims until the sale of Property is complete."

2. The proposed Chapter 13 Plan contains Additional Provisions. Until these provisions are approved by the court, the Trustee is unable to recommend confirmation.
3. The Debtor has failed to comply with 11 U.S.C. §1325(a)(5). Toyota Motor Credit account #xxx9280 is listed on Schedule D filed on June 13, 2019 [docket #1] as Secured for a 2013 Toyota Corolla Sedan however; the creditor has been omitted from the Chapter 13 Plan.
4. Debtor has listed T-Mobile USA Inc account #xxx7380 on Schedule E/F with an 'unknown' claim amount. In order for the Trustee to verify the Debtor is not in violation of 11 U.S.C. §109(e), an Amended Schedule E/F must be filed to list a claim amount for T-Mobile USA Inc account #xxx7380.
5. The Trustee is unable to determine if the plan is in compliance with 11 U.S.C. §1325(a)(4). The Trustee has filed an Objection to Debtor's Claim of Exemptions which must be resolved prior to the Trustee recommending confirmation. If the objection to exemption is not resolved within sixty (60) days, a hearing will be set pursuant to B.L.R. 9014-1(c)(1).

Dated: July 23, 2019

/S/ Devin Derham-Burk

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Chapter 13 Trustee

**CERTIFICATE OF SERVICE BY MAIL**

I declare that I am over the age of 18 years, not a party to the within cause; my business address is 983 University Ave. C-100, Los Gatos, California 95032. I served a copy of the within Trustee's Objection to Confirmation by placing same in an envelope in the U.S. Mail at Los Gatos, California on July 23, 2019.

Said envelopes were addressed as follows:

MUZYEN M ABDULKADIR  
P O BOX 28865  
SAN JOSE, CA 95159

FARSAD LAW OFFICES PC  
1625 THE ALAMEDA #525  
SAN JOSE, CA 95126

/S/ Erin Chew  
Office of Devin Derham-Burk, Trustee